

### **REMARKS/ARGUMENTS**

Claims 1 and 2 are pending and rejected in this application. By this Amendment and Response, claim 1 is amended and claim 3 is newly added.

#### **35 U.S.C. §103**

Claims 1 and 2 are rejected under 35 U.S.C. §102(b) as anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over Markowicz.

The Applicant respectfully traverses the Examiner's statement that "the Applicant has argued that the only feature recited in the claims that Markowicz does not describe is awarding subordinate prizes having a pre-determined fixed monetary value." The Applicant's actual statement was that Markowicz "does not describe awarding subordinate prizes having a pre-determined fixed monetary value." At no time has the Applicant indicated that this is the *only* feature of the claimed invention that Markowicz fails to teach. Rather, this is the only feature of the claimed invention that the Applicant elected to discuss in the Response filed on April 20, 2006.

The foregoing notwithstanding, in order to expedite allowance of the claims, independent claim 1 has been amended to recite, in part, "providing a system of prize levels for a first lotto drawing, the prize levels including a jackpot prize level and a subordinate prize level, wherein all member lotteries are eligible for the jackpot prize." Support for amendment of claim 1 is found throughout the specification. See, for example, pg. 8, lns. 17-25.

Markowicz is directed to a network of individual or state lottery systems having independent structure for selecting individual winners. The individual lotteries also feed through to a network-level or national lottery having differentiated win pools at the network level, each one being separately accumulated and separately awarded. Markowicz describes separate entries, and thus separate drawings, for the network/national (jackpot) prize level and individual/state (subordinate) prize levels. An additional entry card may be provided for the network lottery game, or an additional mark area may be provided for the network lottery game on the same card as the individual lottery game. See Col. 4, lns. 36-46. Thus, instead of jackpot and subordinate prize levels for a first lotto drawing, in which all member lotteries are eligible for the jackpot prize, as generally recited in claim 1, Markowicz describes a jackpot (network/national) prize level for a first lottery drawing and a subordinate (individual/state) prize

level for a second lottery drawing. Therefore, Markowicz fails to teach or suggest each feature of claim 1. Reconsideration and withdrawal of the rejection is respectfully requested.

Claim 2 depends from claim 1 and is allowable for at least that reason. Reconsideration and withdrawal of the rejection is respectfully requested.

**New Claim**

Claim 3 is newly added and depends from independent claim 1. Support for claim 3 is found throughout the specification. See, for example, the discussion at pg. 12, lns. 10-13. Entry and allowance of claim 3 is respectfully requested.

**CONCLUSION**

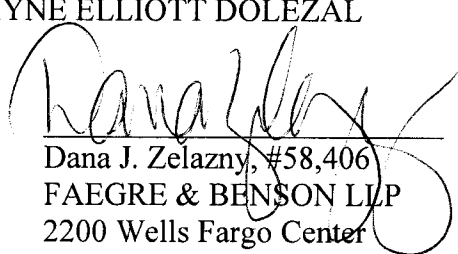
All of the claims remaining in this application should now be seen to be in condition for allowance. The prompt issuance of a notice to that effect is respectfully solicited. If there are any remaining questions, the Examiner is requested to contact the undersigned at the number listed below.

No fee is believed to be necessary for the entry of this paper. Should any fee be required for entry of this paper, the Commissioner is authorized to charge the Faegre & Benson Deposit Account No. 06-0029 and in such event, is requested to notify us of the same.

Respectfully Submitted,

WAYNE ELLIOTT DOLEZAL

By:

  
Dana J. Zelazny, #58,406  
FAEGRE & BENSON LLP  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402-3901  
612/766-8442

Dated: September 12, 2006

M2:20820296.01